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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 786,963	03-12-2001	Mamoru Miyamori	JG-SU-5047.5	8292

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EXAMINER

YEUNG, GEORGE CHAN PUI

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 09/16/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,963

Applicant(s)

Miyamori et al

Examiner

George C. Young

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 ☒ are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 ☒ are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

DETAILED ACTION

The abstract of the disclosure is objected to because it is not limited to a single paragraph and it includes such legal phraseology as "means" (lines 2, 4, 8 and 12). Correction is required. See MPEP § 608.01(b).

The specification is objected to for the following reasons:

1. The word "works" used throughout the specification is improper and it should apparently read -- food products -- or -- foods -- (see, for example, the last line of the abstract).
2. Pages 3-13 of the specification are objected to since they make reference to the originally filed claims 1-16 which can obviously be substituted by new amended claims in an amendment to be filed by applicants. Cancellation of reference to claims 1-16 in the specification is required.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for the following reasons:

1. The words "works" and "work" used throughout the claims are improper and misdescriptive. The change of "works" to -- food products -- or -- foods -- would obviate this rejection.
2. While the preamble of claims 1-3 calls for a smoking method, claims 1-3 fail to recite a positive manipulative step of treating food products within the chamber with smoke to

thereby manufacture smoked food products (see page 1, lines 3-13 of the instant specification).

Thus claims 1-3 are indefinite and incomplete.

3. It is not clear what is intended by "so as not to start discharge" as recited in claims 1-3 and 5-7, last line of each.

4. Claim 4 is improper in the recitation of "the adjacent electrode plate". Note that no antecedent basis has been established in claim 3 or claim 4 for "the adjacent electrode plate" recited in claim 4, lines 2-3."

5. The phrase "anyone of claims 1 through 3" recited in claim 4, line 1 is improper. The change of this phrase to -- any one of claims 1, 2, and 3 -- would overcome this rejection.

6. The limitation "adapted to transport" recited in claim 5, lines 5-6, and the limitation "adapted to support" recited in claim 6, line 3 are indefinite. The change of these limitations to -- for transporting -- and -- for supporting -- would obviate this rejection.

7. The word "adapted" recited in claim 5, last line is indefinite and superfluous and it should be deleted.

8. The phrase "anyone of claims 5 through 7" recited in claims 8-10, 12, 14 and 15 is improper. The change of this phrase to -- any one of claims 5, 6, and 7 -- would overcome this rejection.

9. Claim 8 is improper in the recitation of "the adjacent electrode plate". Note that no antecedent basis has been established in claim 7 or claim 8 for "the adjacent electrode plate" recited in claim 8, lines 3-4.

10. Claim 11 is an improper multiple dependent claim because a multiple dependent claim cannot depend from any other multiple dependent claim, either directly or indirectly. See MPEP section 608.01(n).

Claims 1-16 are free of the prior art.

Claims 1-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The Lieberman patent is cited to show a method of smoking food products. The Hanley et al patent is cited to show a process of smoking meat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Yeung whose telephone number is (703) 308-3848. The examiner can normally be reached on Monday-Friday from 10:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached on (703) 308-3959. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

G. C. Yeung/mn

September 13, 2002

GEORGE C. YEUNG
PRIMARY EXAMINER